THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.4096 of 2007

Dated 16-03-2007

Between:
S. Nageswara Rao and others

…Petitioners

And

The Sub-Registrar at Addanki and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.4096 of 2007

ORDER:

The petitioners claim to be the owners of lands in Sy.Nos.1905/1, 3 and 5 of South Addanki village of Prakasam District. They intended to sell the property. Their grievance is that the 1st respondent is not entertaining any transaction, in respect of the said lands, on the basis of a communication dated 20-04-2005, received from the 2nd respondent, to the effect that the said lands are part of Government assessed waste. They seek necessary declaration and relief in this regard.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

It is stated that the petitioners are yet to present any documents, and an objection is raised as to the very maintainability of the writ petition. From a perusal of the affidavit, it is evident that the petitioners approached the 1st respondent, for obtaining necessary information, in the context of execution of documents.

If the only objection raised by the 1st respondent is that the lands are classified as Government assessed waste, it cannot be sustained in law. The reason is that, except where there is a statutory prohibition against the transfer, such as the one, under Section 5 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, the registering authority cannot refuse registration of the deeds. It is trite that what is registered is a deed, and not the transaction, and any person or authority, who is not a party to the deed, is not bound by the transaction, evidenced by it. Further, under Section 22-A of the

Registration Act, which empowered the Government to issue notifications, prohibiting registration of transaction, in respect of lands mentioned in such notifications;

was held to be illegal and ultravires.

For the foregoing reasons, the writ petition is disposed of, directing the 1st respondent to receive the documents, that can be presented by the petitioners, and process the same in accordance with the provisions of the Indian Stamp Act and Registration Act.

It is made clear that the deeds, if any registered, at the instance of the petitioners, shall not effect the rights of persons, or authorities, including the Government, who are not parties to the document.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.16-03-2007

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